

JAP:DCW

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**M-10-1229**

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UNITED STATES OF AMERICA

C O M P L A I N T

- against -

(21 U.S.C. §§ 952(a)  
and 960)

OSCAR BARAHONA, JR.,

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

CHRISTIAN A. ALBANESE, being duly sworn, deposes and states that he is a Special Agent of the United States Department of Homeland Security, Immigration and Customs Enforcement, duly appointed according to law and acting as such.

Upon information and belief, on or about October 20, 2010, within the Eastern District of New York and elsewhere, the defendant OSCAR BARAHONA, JR. did knowingly, intentionally and unlawfully import into the United States from a place outside thereof a substance containing heroin, a Schedule I controlled substance.

(Title 21, United States Code, Sections 952(a) and 960).

The source of your deponent's information and the grounds for his belief are as follows:<sup>1</sup>

1. On or about October 20, 2010, the defendant CARLOS OSCAR BARAHONA, JR. arrived at John F. Kennedy International Airport ("JFK Airport") in Queens, New York, aboard Taca Airlines Flight No. 570 from San Salvador, El Salvador. BARAHONA arrived at JFK after traveling from Guatemala through El Salvador.

2. During a routine inspection, BARAHONA presented two bags and a backpack to Customs and Border Protection ("CBP") officers. BARAHONA told CBP officers that the backpack and both bags, as well as everything inside the backpack and the bags, belonged to him. One of the bags that BARAHONA presented to CBP officers was a black "Clipper Club" roller bag. Inside the Clipper Club bag, CBP officers discovered shopping bags that contained Guatemalan candies and six metal cans. The six metal cans purportedly contained refried beans.

3. Upon further inspection of the metal cans, CBP officers shook one of the cans and noted that it appeared to contain something that was not consistent with refried beans. CBP officers then opened one of the cans and discovered that it

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<sup>1/</sup> Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause, I have not described all the relevant facts and circumstances of which I am aware.

contained a beige powdery substance. The powdery substance field tested positive for heroin. BARAHONA was then arrested.

4. Following BARAHONA's arrest, he was given Miranda warnings which he appeared to understand and waived. BARAHONA then told authorities in sum and substance that he had been recruited to travel to Guatemala on October 16, 2010 for the purpose of taking possession of the narcotics and smuggling them into the United States. BARAHONA also stated that he was to receive about \$7,000 for smuggling the narcotics into the country.

5. The total approximate gross weight of the heroin found in BARAHONA's bag is 5,167.2 grams.

WHEREFORE, your deponent respectfully requests that the defendant CARLOS OSCAR BARAHONA, JR. be dealt with according to law.



CHRISTIAN A. ALBANESE  
Special Agent  
U.S. Department of Homeland Security  
Immigration and Customs Enforcement

Sworn to before me this  
21st day of October, 2010

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RELSKY  
GE

EASTERN DISTRICT OF NEW YORK